

REMARKS

Favorable consideration and allowance are respectfully requested for the claims in view of the foregoing amendments and the following remarks.

**Priority**

Applicants respectfully submit that application no. 08/844,764, to which the present application claims priority, provides ample support for the presently claimed invention. In particular, application no. 08/844,764, now U.S. Patent No. 5,938,200, discloses a system for placing wagers using wireless devices in a gaming establishment. (U.S. Patent No. 5,938,200, column 5, lines 35-40).

**35 U.S.C. §112 Rejections**

Claims 1-26 and 28-44 stand rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with both the written description and enablement requirements. As these rejections both find their basis on a single misinterpretation of the claims by the Office, they will be addressed together.

Applicants hereby reiterate and incorporate by reference each and every argument previously made with respect to Office Action's rejections under 35 U.S.C. §112, first paragraph. The following remarks are made in support of the previous arguments and are made merely to clarify and reiterate particular points that have been overlooked by the Office.

Applicants respectfully submit that the subject matter of claims 1-26 and 28-44 is fully described and enabled the present specification. Claims 1-26 and 28-44 require the communication of encryption code to a player device. The Office Action's concern that "there is no wireless communication of encryption code prior to wagering by player" taught in the present specification is noted but is of no consequence as wireless communication of encryption code to the player device is not claimed in any of claims 1-26 or 28-44. Claims 1-26 and 28-44 simply require that the encryption code be communicated to the player device, there is no requirement that this communication be wireless. The Office Action has impermissibly read the limitation "wireless" into the claims with regards to the communication of encryption code to the player

device. The disclosure of the specification clearly describes and enables the communication of the encryption code to the player device, this was acknowledged in the Office Action itself. (See Office Action, pg. 3-4). As such, Applicants respectfully request withdrawal of this rejection.

The rejection of claims 1-26 and 28-44 under 35 U.S.C. §112, second paragraph, as being indefinite, is respectfully traversed.

The Office Action contends that claims 1-26 and 28-44 are indefinite as it is allegedly “unclear what device wirelessly communicates an encryption code to the wireless gaming device.” Applicants respectfully submit that this rejection is based upon a misreading of the claims. Claims 1-26 and 28-44 require only that the encryption code be communicated to the player device, there is no requirement that this communication be wireless. As such, clarity regarding “what device wirelessly communicates an encryption code to the wireless gaming device” is not required as there is no such device claimed. As such, Applicants respectfully request withdrawal of this rejection.

#### **35 U.S.C. §102 Rejection**

The rejection of claims 1, 4-6, 8-12, 15, 17-18, 20-21, 23-24, 26, 38-41 and 44 under 35 U.S.C. §102(b) as anticipated by Walker (WO 96/00950) is respectfully traversed.

Applicants hereby reiterate and incorporate by reference each and every argument previously made with respect to the Walker reference. The following remarks are made in support of the previous arguments and are made merely to clarify and reiterate particular points that have been overlooked by the Office.

Claims 1, 4-6, 8-12, 15, 17-18, 20-21, 23-24, 26, 38-41 and 44 are directed to systems and methods for playing a wagering game comprising, *inter alia*, a wireless gaming device that transmits encrypted information to a receiver, the encrypted information including both an identification code and wagering information. In accordance with its use in claims 1, 4-6, 8-12, 15, 17-18, 20-21, 23-24, 26, 38-41 and 44, the term wireless infers a device that communicates with other devices through radio or infra red signals. (See paragraph 0006 of PG PUB 20050070358).

Walker is directed to a remote gaming system. The gaming system of Walker requires that individual gaming devices transmit their data to a host computer via “conventional means in the on-line embodiment”; by “plug-in module”; “plug-in device” and “public telephone network.” (See pp. 13:5-6; 18:5-6, 19-21; FIGS 1-3) There is no teaching or suggestion in Walker of a wireless gaming device that transmits encrypted information to a receiver, the encrypted information including both an identification code and wagering information. In fact the only use of wireless technology in Walker is for a wireless broadcast of an authenticatable message comprised of random numbers and/or alphanumeric data (possibly encrypted) that might be accessed by the gaming software on the hand held device to prevent unauthorized users from gaining access to or fraudulently obtaining or redeeming gambling credit. (pg. 19: 16-35) Thus, the most Walker teaches is a wireless signal that goes from the host computer to the remote gaming device. The directionality of this signal is the opposite of the present invention where the player’s gaming device sends information in a wireless fashion to a receiver configured to receive the signal transmitted by the transmitter of the wireless gaming device. Further, Walker does not teach the wireless transmission of a player’s wager information. As such, Walker fails to teach each and every limitation of the invention of claims 1, 4-6, 8-12, 15, 17-18, 20-21, 23-24, 26, 38-41 and 44, and Applicants therefore request withdrawal of this rejection.

### **35 U.S.C. §103 Rejections**

The rejection of claims 7 and 19 under 35 U.S.C. 102(b), or in the alternative, under 35 U.S.C. §103(a), over Walker is respectfully traversed.

Applicants hereby reiterate and incorporate by reference each and every argument previously made with respect to the Walker reference. The following remarks are made in support of the previous arguments and are made merely to clarify and reiterate particular points that have been overlooked by the Office.

As discussed above, Walker fails to teach or suggest a wireless gaming device that transmits encrypted information to a receiver, the encrypted information including both an identification code and wagering information. Given that Walker fails to teach these core elements of the present invention, Applicants respectfully request withdrawal of this rejection.

The rejection of claims 13, 16 and 25 under 35 U.S.C. §103(a) over Walker in view of Franchi (5,770,533) is respectfully traversed.

Applicants hereby reiterate and incorporate by reference each and every argument previously made with respect to the combination of the Walker and Franchi references. The following remarks are made in support of the previous arguments and are made merely to clarify and reiterate particular points that have been overlooked by the Office.

As discussed above, Walker fails to teach or suggest a wireless gaming device that transmits encrypted information to a receiver, the encrypted information including both an identification code and wagering information.

Franchi has been cited for its teaching of an LCD screen and infrared signaling as these limitations are cited in claims 13, 16, and 25. The Office Action does not identify Franchi as teaching the other claim features missing from Walker. Accordingly, the Office Action has not properly articulated how the cited references teach each and every feature of the claims. As such, the Office Action has not made out a *prima facie* showing of obviousness and reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claim 14 under 35 U.S.C. §103(a) over Walker in view of Pease (5,326,104) is respectfully traversed.

Applicants hereby reiterate and incorporate by reference each and every argument previously made with respect to the combination of the Walker and Pease references. The following remarks are made in support of the previous arguments and are made merely to clarify and reiterate particular points that have been overlooked by the Office.

As discussed above, Walker fails to teach or suggest a wireless gaming device that transmits encrypted information to a receiver, the encrypted information including both an identification code and wagering information. These deficiencies are not cured by Pease.

Pease has been cited for its teaching of a tricolor LCD screen. There is no teaching or suggestion in Pease of a wireless gaming system. Thus, Pease fails to cure the deficiencies of Walker as outlined above. As such, Applicants respectfully request withdrawal of this rejection.

The rejection of claims 2, 22, 28-34, and 42-43 under 35 U.S.C. §103(a) over Walker in view of Woodfield (EP 0649102) is respectfully traversed.

Applicants hereby reiterate and incorporate by reference each and every argument previously made with respect to the combination of the Walker and Woodfield references. The following remarks are made in support of the previous arguments and are made merely to clarify and reiterate particular points that have been overlooked by the Office.

As discussed above, Walker fails to teach or suggest a wireless gaming device that transmits encrypted information to a receiver, the encrypted information including both an identification code and wagering information.

Woodfield has been cited for its teaching of periodic polling of wireless gaming devices as well as for teaching unique identification codes for individual wireless devices. Applicants respectfully submit that given the deficiencies of Walker, the Office Action has failed to make a *prima facie* case of obviousness. As such, Applicants respectfully request withdrawal of this rejection.

The rejection of claim 35 under 35 U.S.C. §103(a) over Walker in view of Woodfield, and further in view of Franchi is respectfully traversed.

Applicants hereby reiterate and incorporate by reference each and every argument previously made with respect to the combination of the Walker, Franchi and Woodfield references. The following remarks are made in support of the previous arguments and are made merely to clarify and reiterate particular points that have been overlooked by the Office.

As discussed above, Walker fails to teach or suggest a wireless gaming device that transmits encrypted information to a receiver, the encrypted information including both an identification code and wagering information.

Franchi and Woodfield have been discussed above. Applicant's respectfully submit that given the deficiencies of Walker, and the lack of any explanation in the Office Action regarding how the secondary references make up for Walker's deficiencies, the Office action has not presented a *prima facie* showing of obviousness. As such, Applicants respectfully request withdrawal of this rejection.

The rejection of claim 37 under 35 U.S.C. §103(a) over Walker in view of Woodfield, and further in view of Jacobson (5,785,592) is respectfully traversed.

Applicants hereby reiterate and incorporate by reference each and every argument previously made with respect to the combination of the Walker, Woodfield, and Jacobson references. The following remarks are made in support of the previous arguments and are made merely to clarify and reiterate particular points that have been overlooked by the Office.

As discussed above, Walker fails to teach or suggest a wireless gaming device that transmits encrypted information to a receiver, the encrypted information including both an identification code and wagering information.

Woodfield has been cited for its teaching of periodic polling of wireless gaming devices as well as for teaching unique identification codes for individual wireless devices.

Jacobson has been cited for its teaching of security tags and sensing apparatuses.

The combination of Walker and Woodfield has been addressed above. Applicants respectfully submit that even with the addition of Jacobson to the Office Action's treatment of the combination of Walker and Woodfield, the Office Action fails to make a *prima facie* case of obviousness. In particular, the Office Action does not articulate how the secondary references cure the deficiencies of Walker that are described above. As such, Applicants respectfully request withdrawal of this rejection.

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Serial No. : 10/796,851  
Filed : March 8, 2004

Attorney Docket No.: 21204.0181C1

CONCLUSION

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

I The fee representing payment for an extension of time is being simultaneously submitted herewith via the Electronic Filing System (EFS). In the event that any further fees are due, or refunds allowed, please apply any charges or credits to deposit account 50-3211 (21204.0181C1).

Respectfully submitted,

Date: May 24, 2010

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